

Amendments to the Claims:

1. (Currently Amended) ~~A polymorphic form of 9-nitrocamptothecin, the polymorph being in crystal form C wherein the crystal form C is~~ characterizable as having, by differential scanning calorimetry, no observable endotherm and an exotherm at between 273.6 and 275.6 °C, ~~and a solution NMR spectrum with multiplets at 1.7 and 3.7 ppm shifts, and an X-ray powder diffraction pattern with diffraction lines at 2θ values 6.7, 12.5, 14.0 and 23.9 for Cu $K\alpha$ radiation of wavelength 1.5406 Angstrom.~~
2. (Currently Amended) ~~A polymorphic form of The~~ 9-nitrocamptothecin crystal form according to claim 1, ~~the polymorph being wherein the crystal form is~~ further characterizable as having an exotherm by differential scanning calorimetry at between 274.1 and 275.1 °C.
3. (Currently Amended) ~~A polymorphic form of The~~ 9-nitrocamptothecin crystal form according to claim 1, ~~the polymorph being wherein the crystal form is~~ further characterizable as having an exotherm by differential scanning calorimetry at between 274.4 and 274.8 °C.
4. (Currently Amended) ~~A polymorphic form of The~~ 9-nitrocamptothecin crystal form according to claim 1, ~~the polymorph being wherein the crystal form is~~ further characterizable as having an exotherm by differential scanning calorimetry at between 274.5 and 274.7 °C.
- 5-8. (Canceled)
9. (Currently Amended) ~~A polymorphic form of The~~ 9-nitrocamptothecin crystal form according to claim 1, wherein the crystal form is crystallized from tetrahydrofuran.
- 10-13. (Canceled)
14. (Currently Amended) A pharmaceutical composition comprising:
a pharmaceutical carrier; and

a ~~polymorphic form of 9-nitrocamptothecin in crystal form C, the polymorph being wherein the~~
crystal form is characterizable as having, by differential scanning calorimetry, no observable
endotherm and an exotherm at between 273.6 and 275.6 °C, ~~and~~ a solution NMR spectrum with
multiplets at 1.7 and 3.7 ppm shifts, and an X-ray powder diffraction pattern with diffraction lines at
2 θ values 6.7, 12.5, 14.0 and 23.9 for Cu K α radiation of wavelength 1.5406 Angstrom.

15. (Currently Amended) A The pharmaceutical composition according to claim 14, ~~the~~
~~polymorph being wherein the crystal form is~~ further characterizable as having an exotherm by
differential scanning calorimetry at between 274.1 and 275.1 °C.

16. (Currently Amended) A The pharmaceutical composition according to claim 14, ~~the~~
~~polymorph being wherein the crystal form is~~ further characterizable as having an exotherm by
differential scanning calorimetry at between 274.4 and 274.8 °C.

17. (Currently Amended) A The pharmaceutical composition according to claim 14, ~~the~~
~~polymorph being wherein the crystal form is~~ further characterizable as having an exotherm by
differential scanning calorimetry at between 274.5 and 274.7 °C.

18-25. (Canceled)

26. (Currently Amended) A method of preparing a ~~polymorphic form of 9-nitrocamptothecin in~~
crystal form C as in claim 1, the method comprising:
crystallizing 9-nitrocamptothecin from tetrahydrofuran.

27. (Currently Amended) A The method according to claim 26, ~~the polymorph being wherein the~~
crystal form is characterizable as having, by differential scanning calorimetry, no observable
endotherm and an exotherm at between 273.6 and 275.6 °C, ~~and~~ a solution NMR spectrum with
multiplets at 1.7 and 3.7 ppm shifts, and an X-ray powder diffraction pattern with diffraction lines at
2 θ values 6.7, 12.5, 14.0 and 23.9 for Cu K α radiation of wavelength 1.5406 Angstrom.

Appl. No. 10/080,530
Amend. Dated April 18, 2005
Non-Final Office Action dated Jan. 19, 2005

28-30. (Canceled)